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THE UNITED STATES DISTRICT COURT

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NORTHERN DISTRICT OF CALIFORNIA

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10 PACER GLOBAL LOGISTICS, INC.,) No.: C 04 2769 SC

11 Plaintiff,)

) **STIPULATION FOR AND ORDER OF**
12) **DISMISSAL WITH PREJUDICE**

13 vs.)

14 LEXINGTON INSURANCE COMPANY;)

15 TRANSMARINE INSURANCE COMPANY,)

LTD.,)

16 Defendants.)

17 _____)

18 The parties, plaintiff, PACER GLOBAL LOGISTICS, INC.

19 ("Pacer"), and defendants LEXINGTON INSURANCE COMPANY

20 ("Lexington") and TRANSMARINE INSURANCE COMPANY, LTD.

21 ("Transmarine"), having reached a settlement agreement in this
matter and the settlement having been fully funded, HEREBY

23 STIPULATE AND AGREE that the action may be dismissed with

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1 prejudice and without costs.

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3 Dated: July 8, 2005 FLYNN, DELICH & WISE LLP

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By: _____ /s/

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James B. Nebel

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Attorneys for Plaintiff
PACER GLOBAL LOGISTICS, INC.

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9 Dated: July 8, 2005 ROPERS, MAJESKI, KOHN & BENTLEY

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By: _____ /s/

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Stephan A. Barber

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Attorneys for Defendant
LEXINGTON INSURANCE COMPANY

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Dated: June 8, 2005 SHEPPARD, MULLIN, RICHTER & HAMPTON
LLP

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By: _____ /s/
Amy B. Norris
Attorneys for Defendant
TRANSMARINE INSURANCE COMPANY LTD.

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IT IS SO ORDERED.

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Dated: July11, 2005

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/s/ Samuel Conti
UNITED STATES DISTRICT JUDGE

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